

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LaChrista Blue,

Plaintiff,

vs.

Ability Recovery Services, LLC,
a Pennsylvania limited liability company,

Defendant.

Case No.:

COMPLAINT

JURY TRIAL DEMAND

COMPLAINT AND JURY DEMAND

**NOW COMES THE PLAINTIFF, LACHRISTA BLUE, THROUGH
COUNSEL, BY ALEX SIMANOVSKY,** and for her Complaint against the
Defendant, pleads as follows:

JURISDICTION

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.

VENUE

2. Venue is proper in the Northern District of Georgia, Atlanta Division, as the Defendant is a Georgia corporation that conducts business in the state of Georgia.

PARTIES

3. Plaintiff is a natural person residing in Jonesboro, Clayton County, Georgia.
4. The Defendant to this lawsuit is Ability Recovery Services, LLC, which is a Pennsylvania limited liability company that conducts business in the state of Georgia.

GENERAL ALLEGATIONS

5. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Ashworth College in the amount of \$818 (“alleged Debt”).
6. On August 22, 2017, Ms. Blue obtained her Trans Union credit file and noticed the alleged Debt reporting on her Trans Union credit file.
7. On or about September 15, 2017, Ms. Blue submitted a letter to Defendant disputing the alleged Debt.
8. On or about December 14, 2017, Ms. Blue obtained her Trans Union credit file and noticed that Defendant failed to report the alleged Debt as in dispute, in violation of the FDCPA.
9. As a result of Defendant’s actions, Ms. Blue has suffered damages.

**COUNT I-VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT**

10. Plaintiff reincorporates the preceding allegations by reference.
11. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
12. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.
13. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
14. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:
 - a. 15 U.S.C. §1692e(2)(A) by misrepresenting the character, amount or legal status of any debt. Defendant violated this provision of the FDCPA when it failed to report the alleged Debt as in dispute status on Plaintiff's Trans Union credit file.
 - b. 15 U.S.C. §1692e(8) by communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to

communicate that a disputed debt is disputed. Defendant violated this provision of the FDCPA when it failed to report the alleged Debt as in dispute status on Plaintiff's Trans Union credit file.

15. The Plaintiff has suffered economic, emotional, general, and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS that this court grant her a judgment against Defendant for actual damages, costs, interest, and attorneys' fees.

DEMAND FOR JUDGMENT RELIEF

Accordingly, Plaintiff requests that the Court grant her the following relief against the Defendant:

- a. Actual damages;
- b. Statutory damages; and
- c. Statutory costs and attorneys' fees.

JURY DEMAND

Plaintiffs hereby demand a trial by Jury.

DATED: December 21, 2017

By: /s/ Alex Simanovsky
Alex Simanovsky
Attorneys for Plaintiff,
LaChrista Blue

Alex Simanovsky & Associates, LLC
2300 Henderson Mill Road
Suite 300
Atlanta, GA 30345
678-781-1012 (Phone)
877-570-5413 (Fax)
alex@a-s-law.com

